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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 858,390	05 16 2001	Carol Lynn Ainsworth	DN2001102	3431
75	05 30 2003			
The Goodyear Tire & Rubber Company Patent & Trademark Department -D/823 1144 East Market Street			EXAMINER	
			NGUYEN, THUKHANH T	
Akron, OH 44	316-0001		ART UNIT	PAPER NUMBER
			1722	
			DATE MAILED: 05/30/2003	. )

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner		Application No.	Applicant(s)				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address →  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less han this; (30); days, a reply with the statisticy minimum of thin; (30) days with be considered timely.  If the period for reply specified above is less han this; (30); days, a reply with the statisticy minimum of thin; (30) days with be communication.  If the period for reply specified above is less han this; (30); days, a reply with the statisticy minimum of thin; (30) days with be communication.  If the period for reply specified above is less han this; (30); days, a reply with the statisticy minimum of thin; (30) days with be communication.  If the period for reply specified above is the name and advanced and the statistic production of the period of the communication of the statistic production and the statistic production of the statistic p		09/858,390	AINSWORTH ET AL.				
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The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Enhanced in the rite may be available upon the previous of 37 CFR 17360, in no event, however, may a mply be timely filed.  Enhanced in the previous for eighty specified above is uses than thety (30) days, a mapy with the statutory minimum of thirty (30) days will be considered timely.  If the previous for eighty selected above is used than the previous register to the communication of the communication and the remaining date of this communication.  Previous register than advantage of CFR 170481:  Status  1)		Thu Khanh T. Nguyen	1722				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Enhanced for tent by a washed and file published file published for regly specified above a less that firstly (30) days, a regly which the salutery promains (30) file published for regly specified above a less that file file published file file published for regly specified above a less that file file file file file published for the file published file file file published file file file file file file file file		l	vith the correspondence address				
THE MAILING DATE OF THIS COMMUNICATION.  Entregistors of the may be available under this provision of 37 CFR 11 (\$150). In no event, however, may a righly the timely filed after \$0x (\$) MONTES from the making date of this communication.  If NO provided for they in septrod address the making make of this communication is the communication of the provision of the priority documents have been received.  1) The proposed drawing corrected to provision of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 172(a)).  See the attached details of the prior	• •						
1) Responsive to communication(s) filed on  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-10 is/are pending in the application.  4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 6-10 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All   b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10) Notice of References Clef (PTO-82)  4) Intervew Summary (PTO-413) Paper No(s)  5) Notice of Informal Patent Applicat	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply with by statute. Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1 704(b).</li> </ul>	36(a) In no event, however, may a within the statutory minimum of thi vill apply and will expire SIX (6) MO cause the application to become A	reply be timely filed  rty (30) days will be considered timely  NTHS from the mailing date of this communication.  BANDONED (35 U.S.C. § 133).				
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Application/Control Number: 09/858,390

Art Unit: 1722

#### DETAILED ACTION

#### Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-5, drawn to a process of curing a hose, classified in class 264, subclass
     320.
  - II. Claims 6-10, drawn to a mandrel for reshaping a hose, classified in class 425, subclass 393.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another and materially difference apparatus such as one with a heating means at the curved potions of the mandrel legs to curve the hose during the reshaping.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. During a telephone conversation between Mr. Richard B. O'Planick and examiner Leo Tentoni on May 06, 2003 a provisional election was made with traverse to prosecute the invention of group II, claims 6-10. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-5 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Application/Control Number: 09/858,390 Page 3

Art Unit: 1722

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Mandrel for forming a curved hose.

## Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 8. Claims 6-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese reference (63-270,121).

The Japanese reference teaches a mandrel for molding bent hose, comprising a pair of opposing legs (2, 4, 22, 23), wherein at least one of the mandrel legs has a curved portion (3) or both legs have a curved portion (22, 23), and both legs are threaded onto a base rod (1, see the English abstract).

Page 4

Application/Control Number: 09/858,390

Art Unit: 1722

## Claim Rejections - 35 USC § 103

- 9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese reference as applied to claims 6-7 and 9-10 above, and further in view of Usui (4,080,141).

The Japanese reference discloses a device for molding bent hose, but fail to disclose a hollow tube located between the ends of the opposing legs.

Usui discloses an apparatus for producing bent pipe, comprising a base (30), a mandrel (1) with a pair of opposing legs (32, 32) secured into the base, a hollow tube (Fig. 15B, 362, 372) for supporting and reshaping the pipe (2).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the Japanese reference by providing a hollow tube as taught by Usui, because the hollow tube would support the hose in between the opposing legs and would reshape the hose if so desired.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the

Art Unit: 1722

organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN May 29, 2003

ROBERT DAVIS
PRIMARY EXAMINER

5/19/13